

Idaho Fish and Game Commission
Special Meeting
March 25, 2005

Chairman Marcus Gibbs called the meeting to order at 8:05 a.m. Commissioners Wright, Watts, Hadley, Power, Irby, Wheeler, and Deputy Director Mansfield responded to the role call. Staff present in the Director's Office included Steve Liebenthal, Dallas Burkhalter, Michael Brown, Jon Rachael, Brad Compton, Jim Unsworth, Steve Barton, and Marilyn Whitney. Jeff Wolfe from Region 3 joined the call from Nampa. Grant Simonds, with the Idaho Outfitters and Guides Association, was present along with outfitters George Peter and Darl Allred. Also present was Paul Lewis from the Idaho Statesman.

The meeting was called to discuss the new controlled hunt that was created in Unit 39 at the Wednesday, March 23, Commission meeting. Based on historical use numbers the permits allocated to outfitters would be 10-12. The Chair and staff were concerned that with only 25 total tags available in that hunt, 50 percent of those would be allocated to outfitters.

The Chair asked Commissioner Watts, Region 3, and Headquarters staff to comment on the issue.

Commissioner Watts stated that the Commission could adjust the allocation numbers to make them proportionate and fair based on a recommendation from staff or deliberate on a number the Commission suggested.

Brad Compton, Wildlife Game Manager, commented that according to Idaho Code the Commission has only three options for determining allocation. The first is to use a variable scale from 0% to 3% based on the number of tags available in the regular controlled hunt. The second option is to use historical use numbers. The third option is to allocate no tags to outfitters. The issue with the variable scale option is that the number of tags in the new controlled hunt was set at 25, which provides zero tags for outfitter allocation. The number of tags in the regular controlled hunt would need to be 51 in order to provide 2 tags to outfitters.

Mr. Compton reiterated the staff recommendation that there be no change in hunts for Unit 39, i.e. no new hunt, with the understanding that staff will work over the next year to develop alternatives for allocating new opportunity in Unit 39 to be scoped with the public next fall.

Commissioner Watts expressed his disappointment and provided background on why he proposed the new hunt at Wednesday's meeting. He indicated that an effort to cap Unit 39 and initiate allocation in 2001 was disrupted by a computer glitch. The Commission subsequently decided not to cap the zone and instead adopted a November 1-9 general season structure, which was intended to be a three-year trial run.

The problem with the early November timeframe is storms in Unit 39 can cause the high country to become inaccessible. This makes it difficult and dangerous for non-guided hunters and impossible for outfitted hunters to access the backcountry. Commissioner Watts commented that he has been approached by both the guided and non-guided public about this issue in the past two years. He has talked to the Region several times about splitting the unit or finding some

other alternative, but no solution has been forthcoming. As the end of the three-year period approached, Commissioner Watts stated that he encouraged the outfitting industry to visit with regional staff and asked staff to discuss alternatives internally. He also requested that the issue be included on the questionnaire for public input. Region 3 staff suggested that an alternative to splitting the unit would be to create a controlled hunt in October to allow people to get into the backcountry. A question was included on the Region 3 survey presented in Mountain Home and Nampa and on the website questionnaire. Out of 253 responses, 177 (70%) supported providing additional opportunity in Unit 39, while 76 (30%) opposed the idea. This information was provided to the full Commission.

Commissioner Watts stated that he visited with Brad Compton before Wednesday's Commission meeting regarding a reasonable number of tags for a new controlled hunt. He did not know at that time what historical use numbers were for that unit. Mr. Compton suggested 25 tags would have no biological impact. Commissioner Watts' motion to the Commission was based on all the information he had at that time. The Commission passed the motion, but Commissioner Watts noted that he brought up the new Unit 39 hunt and asked about the allocation issue as a follow-up item in Wednesday's meeting. The Commission had no discomfort at that point.

After the Commission meeting, the outfitters contacted Jake Howard, Director of the Outfitters and Guides Licensing Board to get historical use numbers, which turned out to be higher than anyone suspected and are not proportionate.

Commissioner Watts stated that the Commission has an opportunity to be fair and provide some kind of new, proportionate opportunity. The public supports the idea, biologists said there would be no impact, and the discussion and input has been open to the public.

Dallas Burkhalter, Deputy Attorney General, stated that adjusting the numbers must be done according to the rule in code. Idaho code provides for the sliding scale of 0% - 3% tied to the number of permits available in the controlled hunt, which in this case is 25 and triggers a 0 allocation to outfitters; the option of historic use allocation, which is higher than expected; and an option to allocate no tags to outfitters.

Commissioner Wright commented that there has never been an established outfitter allocation for the Unit 39 hunt, and while a new opportunity for Unit 39 was scoped, the public was not aware that such a disproportionate share of available tags would go to outfitters. He felt it would be an injustice to rank and file sportsmen to base the allocation on historic use numbers.

Commissioner Power commented that allocation was created to maintain stability in the elk population using a system of fairness.

Commissioners clarified that the historical use numbers were provided by the Outfitters and Guides Licensing Board and are not in question and that the Commission does not have authority to adjust the historical use numbers.

05-32 Commissioner Wheeler moved and Commissioner Hadley seconded **TO ACCEPT STAFF RECOMMENDATIONS FROM THE REGION AND BUREAU THAT THERE**

BE NO CHANGE IN UNIT 39 FOR THE 2005 SEASON WITH THE CONTINGENCY THAT THE COMMISSION DISCUSS THE ALLOCATION ISSUE AND GO BACK TO THE BEGINNING OF THE PROCESS AND WORK WITH THE REGION, THE BUREAU, AND THE PUBLIC TO FIND AN ACCEPTABLE SOLUTION. The motion carried in a unanimous vote.

Commissioner Watts commented that the manner in which the issue was approached this year was fair and open and involved regional and state staff as well as the public.

Other Commissioners relayed to Commissioner Watts that the decision was not a reflection on him or on his integrity or motives in the matter. The decision was based on the limitations of the statute and doing what needed to be done to move forward in the future and be fair to all involved.

The meeting adjourned at 8:50 a.m.